

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814
(916) 322-5387



February 3, 1981

ALL-COUNTY LETTER NO. 81-8

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: BALDERAS V. WOODS

REFERENCE:

On December 22, 1980, a preliminary injunction was issued in the case of Balderas v. Woods (Los Angeles Superior Court, CA 000627), a copy of which is attached. The department and county welfare departments have been enjoined from "terminating benefits of AFDC recipients solely because their monthly CA-7 reporting form is not received or is received in a form considered incomplete and from suspending benefits without attempting to make personal contact with the recipients." You shall comply with this preliminary injunction beginning with the February report month.

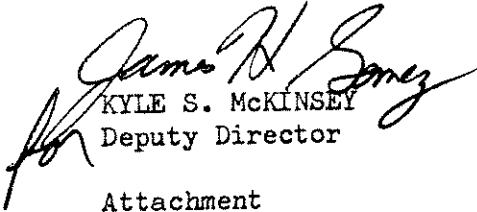
Counties must attempt to make a telephone call to all recipients who have failed to return their complete CA-7. Since all recipients might not be reachable by telephone because they do not have a telephone, there is no answer, or the person responsible for submitting the CA-7 is not at home, such recipients must be mailed a written notice (suggested language attached). The personal contact (i.e. telephone call or letter) should inform the recipient to submit the complete CA-7 and specify the date by which this information/documentation must be received. The personal contact requirement is also satisfied if the same information is transmitted to the recipient during the course of a home visit or a face-to-face meeting at the welfare office. Counties must document in the case file how and when personal contact was made.

All current CA-7 notification requirements remain in effect. The personal contact procedures described above must allow the recipient at least five days to respond before the effective date of the discontinuance.

The Department plans to develop proposed regulations to address requirements under Balderas v. Woods as well as federal regulatory requirements on monthly reporting. We will keep you informed of any further developments requiring action by the county.

If you have any questions, contact your AFDC Management Consultant at (916) 445-4458.

Sincerely,


KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA

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7 Attorneys for Plaintiffs/Petitioners
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES
11

12 RUBY BALDERAS, MARY FISHER, JULIA)
PALMER, WELFARE RIGHTS ORGANIZATION,)
13 on behalf of themselves and all)
others similarly situated,)

CLASS ACTION

CA 000627

14 Plaintiffs/Petitioners,)
15)

PRELIMINARY INJUNCTION

16 vs.)
17)

18 MARION J. WOODS, Director of the State)
Department of Social Services;)
17 DEPARTMENT OF SOCIAL SERVICES, an)
18 agency of the State of California;)
EDMUND G. BROWN, JR., as Governor of)
19 California; STATE OF CALIFORNIA, a)
political entity,)

20 Defendants/Respondents.)
21)

22 The above matter came on for hearing on December 22,
23 1980, pursuant to an order to show cause re preliminary injunc-
24 tion issued by the Court on December 8, 1980. Byron Gross and
25 Marilyn Katz appeared as counsel for plaintiffs and James E.
26 Ryan appeared as counsel for defendants.

27 On proof being made to the satisfaction of the Court,
28 the Court finds that Welfare and Institutions Code § 11265 is

1 mandatory. Therefore, a preliminary injunction is granted
2 preventing defendants from denying benefits of members of
3 the plaintiff class without personal contact with the
4 recipient.

5 IT IS HEREBY ORDERED that during the pendency of this
6 action, or until the final determination thereof, or until the
7 Court shall otherwise order, the Defendants, their successors
8 in office, agents, assigns, employees, and all persons acting
9 in concert with them or subject to their control and supervision,
10 shall be, and hereby are, enjoined and restrained from terminat-
11 ing benefits of AFDC recipients solely because their monthly
12 CA-7 reporting form is not received or is received in a form
13 considered incomplete and from suspending benefits without ^{attending}
14 ^{to} making personal contact with the recipients.

15 Bond is waived.

16
17 DATED: DEC 22 1980

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19 [Signature]
20 Judge of the Superior Court
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ATTENTION: YOUR MONTHLY ELIGIBILITY REPORT IS OVERDUE

Case Name:
Case Number:
Worker:
Phone:
Date:

I have not received your completed monthly eligibility report (CA-7) which was due on the 5th of this month. Because I could not reach you by telephone, I am sending you this reminder. You may either mail the completed CA-7 or bring it to the County Welfare Department office. If I do not receive your completed CA-7 by the last day of this month, you will not receive a cash grant next month.